

REMARKS

Applicants respectfully requests further examination and reconsideration in view of the above amendments. Claims 1-21 remain pending in the case. Claims 1-21 are rejected. Claims 1, 2, 4, 6, 9, 10, 15, 16, 18, and 19 are amended herein. The title and the specification are also amended herein. No new matter has been added.

35 U.S.C. §102(b)

Claims 1, 5-10, 15, and 19-21 stand rejected under 35 U.S.C. §102(b) as being anticipated by US Patent No. 6,101,565 by Nishtala et al., hereinafter referred to as the “Nishtala” reference. Applicants have reviewed the cited reference and respectfully submit that the embodiments of the present invention as recited in Claims 1, 5-10, 15, and 19-21 are not anticipated by Nishtala in view of the following rationale.

Applicants respectfully direct the Examiner to amended independent Claim 1 that recites that an embodiment of the present invention is directed to (emphasis added):

A system for changing a bus configuration of a computing device, said system comprising:

- a first bus of said computing device;
- a second bus of said computing device;
- a third bus coupled with a first device;***
- a fourth bus coupled with said first device;***
- a fifth bus coupled with a second device;***
- a sixth bus coupled with said second device;***
- a multiplexing module*** coupled with said first bus, said second bus, said third bus, said fourth bus, said fifth bus, and said sixth bus, and ***for selectively coupling said first and second busses with said third, fourth, fifth, or sixth busses;*** and
- a configuration module coupled with said multiplexing module and for controlling operation of said multiplexing module.

Independent Claim 15 as amended recites similar limitations. Claims 5-8 that depend from Claim 1 and Claims 19-21 that depend from Claim 15 provide further recitations of these limitations.

Nishtala and the claimed invention are very different. In particular, Applicants respectfully assert that Nishtala does not teach ***third and fourth busses coupled with a first device, fifth and sixth busses coupled with a second device, and “a multiplexing module ... for selectively coupling said first and second busses with said third, fourth, fifth, or sixth busses”*** (emphasis added), as recited in Claim 1. Applicants respectfully direct Examiner to Figure 2 of Nishtala. As Applicants understand the reference, Figure 2 of Nishtala teaches a MUX 95 for establishing connections between elements M1-M3 and elements Mem1, Mem2, S1, and S2 via ***single bus connections***. For example, element Mem1’s only connection to MUX 95 is via D4. The other elements mentioned above follow a similar pattern of single bus connections. Therefore, Applicants respectfully submit that Nishtala fails to teach ***third and fourth busses coupled with a first device, fifth and sixth busses coupled with a second device, and “a multiplexing module ... for selectively coupling said first and second busses with said third, fourth, fifth, or sixth busses”*** (emphasis added), as claimed. ***in a predetermined direction”*** (emphasis added), as claimed.

Therefore, Applicants respectfully assert that Nishtala does not teach at least one limitation of the claimed embodiments of the present invention as recited in independent Claims 1 and 15, that these claims overcome the rejection under 35 U.S.C. § 102(b), and are thus in condition for allowance. Furthermore, Applicants

respectfully submit that Claims 5-8 that depend from Claim 1 and Claims 19-21 that depend from Claim 15 are also in condition for allowance as being dependent on allowable base claims.

Applicants respectfully direct the Examiner to amended independent Claim 9 that recites that an embodiment of the present invention is directed to (emphasis added):

A method for changing a bus configuration of a computing device, said method comprising:
transmitting a first control signal to a configuration module;
causing a multiplexing module to couple a first bus with a second bus of said computing device, in response to said first control signal, ***said second bus coupled with a first device;***
transmitting a second control signal to said configuration module,
and
causing said multiplexing module to couple a third bus with a fourth bus of said computing device, in response to said second control signal, said fourth bus coupled with said first device.

Claim 10 that depends from independent Claim 15 provides further recitations of these limitations.

Nishtala and the claimed invention are very different. In particular, Applicants respectfully assert that Nishtala does not teach ***second and fourth busses coupled with a first device*** and ***causing a multiplexing module to couple a first bus with the second bus and a third bus with the fourth bus*** (emphasis added), as recited in Claim 9. Applicants respectfully direct Examiner to Figure 2 of Nishtala. As Applicants understand the reference, Figure 2 of Nishtala teaches a MUX 95 for establishing connections between elements M1-M3 and elements Mem1, Mem2, S1, and S2 via ***single bus connections***. For example, element Mem1's only connection to MUX 95 is via D4. The other elements mentioned above follow a similar pattern of single bus

connections. Therefore, Applicants respectfully submit that Nishtala fails to teach ***second and fourth busses coupled with a first device and causing a multiplexing module to couple a first bus with the second bus and a third bus with the fourth bus*** (emphasis added), as claimed.

Therefore, Applicants respectfully assert that Nishtala does not teach at least one limitation of the claimed embodiments of the present invention as recited in independent Claim 9, that this claim overcomes the rejection under 35 U.S.C. § 102(b), and is thus in condition for allowance. Furthermore, Applicants respectfully submit that Claim 10 that depends from Claim 9 is also in condition for allowance as being dependent on an allowable base claim.

35 U.S.C. §103(a)

Claims 2-4, 11-14, and 16-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nishtala in view of common knowledge in the data processing art. Applicants have reviewed the cited reference and respectfully submit that the embodiments of the present invention as recited in Claims 2-4, 11-14, and 16-18 are not rendered obvious by Nishtala and common knowledge in the data processing art in view of the following rationale.

First, based on the above rationale, Applicants respectfully submit that independent claims 1, 9, and 15 overcome their respective rejections. Moreover, Applicants respectfully submit that the common knowledge in the data processing art

does not cure the deficiencies of Nishtala. As such, Applicants respectfully submit that Claims 2-4, 11-14, and 16-18 overcome the rejection under 35 USC § 103(a) and are thus in condition for allowance.

Secondly, Applicants note that Examiner has taken Official Notice of the added features of Claims 2-4, 11-14, and 16-18. Applicants respectfully traverse Examiner's assertion of Official Notice with respect to each of the above claims. Applicants respectfully direct the Examiner to MPEP §2144.03(E), which states that "[i]t is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record as the principal evidence upon which a rejection was based." Accordingly, the Applicants respectfully invite the Examiner to "provide documentary evidence in the next Office action if the rejection is to be maintained. See 37 CFR 1.104(c)(2). The Board [or *examiner*] **must** point to some concrete evidence in the record in support of these findings to satisfy the substantial evidence test. If the examiner is relying on personal knowledge to support the finding of what is known in the art, the *examiner must provide an affidavit or declaration* setting forth specific factual statements and explanation to support the finding. See 37 CFR 1.104(d)(2)." See MPEP 2100-144.

Moreover, Applicants respectfully submit that taking official notice of entire claims, such as in the present Office Action, is only appropriate "provided the facts so noticed are of notorious character and *serve only to 'fill in the gaps'* which might exist in the evidentiary showing made by the Examiner to support a particular ground of rejection" (emphasis added). See MPEP 2144.03(A). However, as applicants

understand Examiner's rationale, effectively any device that is capable of transmitting data on a bus would be an obvious additional feature to the present invention.

Applicants respectfully submit that this rationale is far too broad and sweeping for official notice to serve as a mere "gap filler." Furthermore, Applicants respectfully submit that the above rationale employs hindsight methodology. In other words, Applicants respectfully submit that the officially noticed features would not be seen by one of ordinary skill in the art as obvious additions/modifications to Nishtala without having reviewed the present application. As such, Applicants respectfully submit that the assertion of Official Notice with respect to Claims 2-4, 11-14, and 16-18 is inappropriate and accordingly request that the Examiner provide a reference(s) teaching or suggesting the limitations of these claims.

CONCLUSION


In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims. Based on the arguments presented above, Applicants respectfully assert that Claims 1-21 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these Claims. The Examiner is invited to contact David A. Plettner at (408) 447-3013 if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER, MURABITO & HAO L.L.P.

Dated: _____

6/12/06



James P. Hao
Registration No. 36,398

Two North Market Street
Third Floor
San Jose, CA 95113
(408) 938-9060